

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

AUTOMATED LAYOUT TECHNOLOGY,  
LLC,

Plaintiff/Counter Defendant,

vs.

PRECISION STEEL SYSTEMS, LLC, and  
NICHOLAS DONNER,

Defendants/Counter Claimants.

4:20CV3127

FIFTH AMENDED  
CASE PROGRESSION ORDER

This matter is before the Court on the Unopposed Motion for Amended Case Progression Order ([Filing No. 236](#)). After review of the motion, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that the Unopposed Motion for Amended Case Progression Order ([Filing No. 236](#)) is granted, and the fourth amended case progression order is amended as follows:

1. **Experts:**

- a. The deadlines for completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

Proponent: **May 30, 2024**, or 30 days after the issuance of the *Markman* ruling, whichever is earlier.

Rebuttal: **July 1, 2024** or 60 days after the issuance of the *Markman* ruling, whichever is earlier.

- b. The deadline to complete expert discovery is **July 31, 2024**, or 90 days after the issuance of the *Markman* ruling, whichever is earlier.
  - c. The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **August 30, 2024**, or 120 days after the issuance of the *Markman* ruling, whichever is earlier.
2. The planning conference scheduled for July 31, 2024, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings remains scheduled with the undersigned magistrate judge on **August 28, 2024**, at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

3. The deadline for filing motions to dismiss and motions for summary judgment remains **September 30, 2024**, or 150 days after the issuance of the *Markman* ruling, whichever is earlier.
4. The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report and the parties' Stipulation and Joint Motion for Amended Case Progression Order ([Filing No. 222](#)) that are not inconsistent with this order.
5. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 30<sup>th</sup> day of April, 2024.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge